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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,731	01/06/2000	JOSEPH GIORDANO III	004444.P003	4667

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EXAMINER

RICE, KENNETH R

ART UNIT PAPER NUMBER

2167

DATE MAILED: 04/05/2002 //

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,731

Applicant(s)

Giordano

Examiner

Kenneth R. Rice

Group Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period of response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/25/02.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Status of Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other

Office Action Summary

PART III: REASONS FOR REJECTIONS AND OBJECTIONS

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 rejected under 35 USC 102(b) as being clearly anticipated by Gombrich et al.

Applicant's arguments filed December 31, 2001, have been fully considered but they are not deemed to be persuasive.

Applicant's request that "the Examiner explicitly specify, for each rejected claim, where each and every element of the claim was taught or suggested by the cited reference" has been addressed in a previous office action, and will receive no further comment.

Applicant argues that "Gombrich does not disclose providing, automatically, in response to subsequent accesses by a user a list of products previously ordered by the user." Applicant's attention is directed to column 16, lines 49-57, in Gombrich which states "Additionally, the bar code reading device will preferably store a record of the most recently administered PRN or other controlled drug administered to control pain or the like and the times they were administered. This eliminates the need to track down the patient's records, which is an important benefit in times of emergency." This means that when the user enters an order for a subsequent prescription, the system automatically provides a list of previously ordered drugs, thus meeting the claim limitation. Applicant's argument that different people are accessing the prescription data is unconvincing. Each of the users named in Gombrich can access that system multiple times. There is no restriction in Gombrich that the separate steps be performed by different people. They could all easily be performed by the same person.

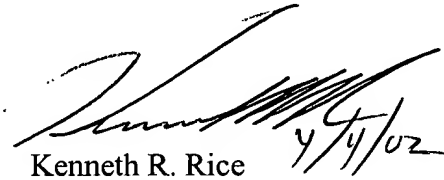
Applicant argues that Gombrich has no disclosure of a reordered product being shipped. Prescriptions are frequently reordered and such is inherent in Gombrich. Also, prescription drugs are useless if they are not delivered to the patient, so that too is inherent in Gombrich.

Applicant argues that Gombrich does not disclose an electronic commerce World Wide Web page. The claim limitation in question says "instructions stored thereon to implement an electronic World Wide Web page." Gombrich clearly discloses a computer display for ordering products on a network. Since the products in Gombrich are being billed and paid for, it clearly constitutes electronic commerce. The World Wide Web is a network. Gombrich discloses a network. The World Wide Web is a network that has been

in existence for several decades. Gombrich could clearly be used on the World Wide Web if the people using it so desired. "Page" merely refers to a display screen. Again, Gombrich has that feature.

Applicant further states that Gombrich does not have a server. See figure 14 of Gombrich for reference to a server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Rice at (703) 308-3495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.

A handwritten signature in black ink, appearing to read "Kenneth R. Rice", with a date "4/4/02" written to its right.

Kenneth R. Rice
Primary Examiner
Art Unit 2167